

Frank C. Dell'Amore, Esq.  
JASPAN SCHLESINGER LLP  
300 Garden City Plaza  
Garden City, New York 11530  
(516) 393-8289  
[fdellamore@jaspanllp.com](mailto:fdellamore@jaspanllp.com)  
*Attorneys for Flushing Bank f/k/a  
Flushing Savings Bank, FSB*

Confirmation Hearing:  
February 2, 2015 at 9:00 a.m.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Geoffrey M. James,

Case No. 14-44597-ess

Debtor.  
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**SUPPLEMENTAL OBJECTION TO CONFIRMATION  
OF DEBTOR'S AMENDED CHAPTER 13 PLAN**

Flushing Bank f/k/a Flushing Savings Bank, FSB ("Flushing"), by its attorneys, Jspan Schlesinger LLP, submits this supplemental objection to the confirmation of the Amended Chapter 13 Plan ("Plan") filed by the debtor, Geoffrey James (the "Debtor"), on October 28, 2014, and respectfully sets forth as follows:

1. On November 20, 2014, Flushing filed an Objection to Confirmation of Debtor's Amended Chapter 13 Plan (the "Objection"). *See* Docket Entry No. 23. Flushing incorporates the Objection herein, together with the exhibits attached thereto.

2. The Objection requested that the Court deny confirmation of the Plan on several grounds, including the fact that the Debtor's schedules reflected a monthly net income of \$1,778.15, whereas the payments due under the Plan were \$2,000.00 per month.

3. In response thereto, on December 1, 2014, the Debtor filed an amended Schedule I, which increased his net monthly income by \$2,100.00.

4. The amended Schedule I indicates that the Debtor's monthly take-home pay from his employment is \$6,261.53; however, the pay stubs filed by the Debtor in this case indicate otherwise. *See* Docket Entry No. 13.

5. Indeed, the pay stubs indicate that the Debtor receives income from his employer on a bi-weekly basis, at varying amounts. According to the pay stubs, the highest net income earned by the Debtor in a bi-weekly period was \$2,228.02, and his lowest bi-weekly income was \$760.43. *Id.*

6. The pay stubs make clear that the Debtor's monthly take home pay from employment is much less than \$6,261.53. For instance, the two most recent pay stubs indicate that from the period of June 29, 2014 through July 26, 2014, the Debtor's total net income was only \$3,801.93 - almost \$2,500.00 less than what is represented on the Debtor's amended Schedule I.

7. If the amended Schedule I reflected the Debtor's actual income from employment, his total monthly income would be less than \$2,000.00, the amount of the payment due under the Plan.

8. The Court must determine that “the debtor will be able to make all payments under the plan and to comply with the plan” as a prerequisite to plan confirmation. *See 11 U.S.C. § 1325(a)(6).*

9. Since, the Debtor cannot establish that he will be able to make the payments due under the Plan, the Plan should not be confirmed.

**WHEREFORE**, Flushing respectfully requests that the Court deny confirmation of the Plan,  
together with such other and further relief as this Court deems just and proper.

Dated: Garden City, New York  
January 30, 2015

JASPAN SCHLESINGER LLP  
*Attorneys for Flushing Bank*  
*f/k/a Flushing Savings Bank*

By: 

Frank C. Dell'Amore  
300 Garden City Plaza  
Garden City, New York 11530  
(516) 393-8289

TO: Geoffrey James  
742 Pennsylvania Ave  
Brooklyn, NY 11236

Norma E. Ortiz, Esq.  
Ortiz & Ortiz LLP  
32-72 Steinway Street  
Suite 402  
Astoria, NY 11103

Marianne DeRosa  
115 Eileen Way  
Suite 105  
Syosset, NY 11791

Office of the United States Trustee  
Eastern District of NY (Brooklyn Office)  
U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, NY 10014